IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

WP(C).No. 36981 of 2007(C)

PETITIONER:

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1. SISTER MARY M.M.,
HEADMISTRESS, ST.MARY'S HIGH SCHOOL,
PULIYARAKONAM, THIRUVANANTHAPURAM - 73.

2. FR.JOSEPH GNAYALLOOR,
MANAGER, ST.MARY'S HIGH SCHOOL, PULIYARAKONAM,
THIRUVANANTHAPURAM - 73.

BY ADV. SRI.GOPAKUMAR R.THALIYAL
SRI.N.P.PRAJEESH

RESPONDENTS:

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1. THE ASSISTANT PROVIDENT FUND
COMMISSIONER, EMPLOYEES PROVIDENT FUND
ORGANIZATION, REGIONAL OFFICE, PATTOM,
TRIVANDRUM.

2. THE EMPLOYEES PROVIDENT FUND APPELLATE
TRIBUNAL, NEW DELHI.

R1 & R2 BY ADV. SMT.T.N.GIRIJA, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C) No.36981 of 2007

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Dated this the 14th day of December, 2007

JUDGMENT

The petitioners are challenging interim orders passed by the Employees Provident Fund Appellate Tribunal whereby the Tribunal has granted stay of recovery of amounts disputed in appeal on condition that the petitioners pay 50% of the disputed amounts. Petitioners' contention is that petitioners have been directed to be clubbed with another establishment which according to the petitioners does not have any connection with the petitioners' establishment and therefore, the petitioners are not liable to pay the amounts now demanded. They also submit that from 1.6.04 on wards they have been paying contributions and now demand has been made for contributions with effect from 2.6.1993 and therefore, the orders impugned in the appeal are totally erroneous and therefore, they are entitled to stay of recovery of the disputed amount in full.

2. I have considered the contentions raised by the petitioners, I do not find any reason to hold that the tribunal has exercised its discretion erroneously or improperly. Petitioners have actually been granted stay of 50% of the disputed amount. That being so, I do not find any merit in the writ petition and accordingly, the same is dismissed.

3. The petitioners submit that petitioners have not been served with a copy of the order passed and the tribunal may be directed to furnish the petitioner with a copy of the order. The tribunal is directed to give petitioner a copy of the order within two weeks from the date of receipt of a copy of this judgment.

Sd/-
S.SIRI JAGAN,
JUDGE

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